

REMARKS

Claims 1-15, 17-27 and 29-45 are pending. Claims 1 and 33 have been amended herein, for clarification. Claims 42-45 are allowed. It is believed no new matter has been entered.

Examiner Interview Summary (August 16, 2007)

Applicants are appreciative for the Examiner Interview conducted on August 16, 2007. In the Interview, the Undersigned and Examiner Chuo discussed the currently amended claims in view of Isono et al (US 6,365,293), Yasumoto et al (US 2003/0198860), and especially Zuber et al (US 2002/0051901). The Undersigned asserted that Zuber fails to teach or suggest, *inter alia*, a device wherein at least one of said first and second diffusion media substrate comprises an increased thickness portion and a reduced thickness portion. Despite a showing that Zuber fails to explicitly disclose a reduced thickness portion and an increased thickness portion, the Examiner and the Undersigned failed to reach an agreement regarding this claim element. The Undersigned also proposed an amendment to claims 1 and 33, such that each claim recites a device wherein the mesoporous layer is carried along only the reduced thickness portion of at least one of the first and second diffusion media substrates. The Undersigned and Examiner Chuo agreed that the proposed combination of Isono, Yasumoto, and Zuber would yield a mesoporous layer over the *entire* gas diffusion layer or *entire* media substrate, not a mesoporous layer carried along only the reduced thickness portion of at least one of the first and second diffusion media substrates as recited in claims 1 and 33. Pursuant to this discussion, claims 1 and 33 have been amended herein.

Rejections under §103

Claims 1-15, 17-22, 29-31, 33 and 38-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isono et al (US 6,365,293) in view of Yasumoto et al (US 2003/0198860) and further in view of Zuber et al (US 2002/0051901). Claims 23-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isono et al in view of Yasumoto et al and Zuber et al as applied to claims 1-15, 17-22, 29-31, 33 and 38-39 above and further in view of Fuglevand et al (US 6,939,636). Claims 26 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isono et al in view of Yasumoto et al and Zuber et al as applied to claims 1-15, 17-22, 29-

Serial No.: 10/628,318

Docket No.: GMC 0047 PA/40320.52

31, 33 and 38-39 above and further in view of Zuber et al (US 2002/0041992). Claim 32 was rejected under 35 U.S.C. 103(a) as being unpatentable over Isono et al in view of Yasumoto et al and Zuber as applied to claims 1-15, 17-22, 29-31, 33 and 38-39 above and further in view of Wood, III et al (US 6,350,539). Claims 34-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isono et al in view of Yasumoto et al and Zuber et al as applied to claims 1-15, 17-22, 29-31, 33 and 38-39 above and further in view of Johnson et al (US 5,840,438). Claims 40 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isono et al in view of Yasumoto et al and Zuber et al as applied to claims 1-15, 17-22, 29-31, 33 and 38-39 above and further in view of Mussell et al (US 5,620,807). These rejections are respectfully traversed

As the Examiner acknowledged in the Interview, none of the references, either singularly or in combination, teach or suggest a mesoporous layer carried along only the reduced thickness portion of at least one of said first and second diffusion media substrates as recited in revised independent claims 1 and 33, and all claims dependent thereon. Accordingly, the rejections under §103(a) are respectfully traversed and reconsideration is respectfully requested.

Conclusion

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
DINSMORE & SHOHL LLP

By /Matthew A. Molloy/
Matthew A. Molloy
Registration No. 56,415

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402
Telephone: (937) 449-6400
Facsimile: (937) 449-6405
e-mail: matthew.molloy@dinslaw.com